



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
ALBANY, N.Y. 12232

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JOAN McDONALD  
COMMISSIONER

ANDREW M. CUOMO  
GOVERNOR

March 7, 2014

John Buyce, CPA, CIA, CGFM  
Office of the State Comptroller  
Division of State Government Accountability  
110 State Street, 11<sup>th</sup> Floor  
Albany, New York 12236-0001

Dear Mr. Buyce:

As required by Section 170 of the Executive Law, the New York State Department of Transportation (NYSDOT) is providing the following 90-day update on actions taken to implement the audit recommendations in the New York State Office of the State Comptroller's audit report entitled *Railroad Bridge Inspection Program*.

As indicated in NYSDOT's response to the draft report, the Federal Railroad Administration's (FRA) Final Rule, adopted on September 13, 2010, established new, more stringent, bridge safety regulations (49 CFR Part 237), which clearly established that the railroads are ultimately responsible for inspecting their own bridges and puts in place enforcement mechanisms for noncompliance. However, NYSDOT remains committed to public safety and continues to coordinate with the FRA in order to make certain that the railroad owners are ensuring the safety of the bridges on their lines.

Additionally, NYSDOT's enterprise asset management system will incorporate the Railroad Bridge Inspection and Inventory Database. The subsequent implementation of the system will enable NYSDOT staff to better review railroad bridge inspection and inventory data which will provide assurance that the railroad owners are ensuring the safety of the bridges on their lines.

Should you need further information, please contact Richard Marchione, Deputy Chief Engineer (Structures), at (518) 457-6827 or you may contact me directly at (518) 457-4422.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phillip Eng'.

Phillip Eng, P.E.  
Executive Deputy Commissioner

cc: Honorable Andrew M. Cuomo, Governor of the State of New York  
Honorable Thomas P. DiNapoli State Comptroller  
Honorable Jeffrey D. Klein Senate Majority Leader and President Pro Tempore  
Honorable Dean G. Skelos, Senate Minority Leader  
Honorable Sheldon Silver, Assembly Speaker  
Honorable Joseph D. Morelle, Assembly Majority Leader  
Honorable Brian Kolb, Assembly Minority Leader  
Honorable John A. DeFrancisco, Chairman, Senate Finance Committee  
Honorable Liz Krueger, Ranking Minority Member, Senate Finance Committee  
Honorable Herman D. Farrell, Jr. Chairman, Assembly Ways and Means Committee  
Honorable Robert C. Oaks, Ranking Minority Member, Assembly Ways & Means Committee  
Robert L. Megna, Division of the Budget